

Before the  
Federal Communications Commission  
Washington, DC 20554

In the Matter of	)	
	)	
Optic Internet Protocol, Inc.	)	File No.: EB-TCD-13-00011384
	)	NAL/Acct. No.: 201432170009
	)	FRN: 0017134933

**FORFEITURE ORDER**

**Adopted: March 6, 2015****Released: March 11, 2015**

By the Commission:

1. We impose a penalty of \$7,620,000 against Optic Internet Protocol, Inc. (Optic or Company) for changing the carriers of 10 consumers without their authorization verified in accordance with our rules, a practice commonly known as “slamming,” and placing unauthorized or “crammed” charges for its long distance service on 71 consumers’ telephone bills. We also find that Optic relied on fabricated audio recordings as purported proof that consumers had authorized the Company to switch their long distance carriers and to charge them for service, and then provided those fabricated recordings to the Commission, consumers, and state regulatory officials as “proof” that the consumers had authorized its service.

2. On July 14, 2014, the Commission issued a Notice of Apparent Liability for Forfeiture (*NAL*) proposing a \$7,620,000 forfeiture against Optic for its apparent willful and repeated violations of Sections 201(b) and 258 of the Communications Act of 1934, as amended (Act), and Section 64.1120 of the Commission’s rules (Rules).<sup>1</sup> Optic has not filed a response to the *NAL*.<sup>2</sup> Based on the information before us, we affirm the forfeiture proposed in the *NAL*.

3. Accordingly, **IT IS ORDERED** that, pursuant to Section 503(b) of the Act,<sup>3</sup> and Section 1.80 of the Rules,<sup>4</sup> Optic Internet Protocol, Inc. **IS LIABLE FOR A MONETARY FORFEITURE** in the amount of seven million six hundred twenty thousand dollars (\$7,620,000) for willfully and repeatedly violating Sections 201(b) and 258 of the Act<sup>5</sup> and Section 64.1120 of the Rules.<sup>6</sup>

4. Payment of the forfeiture shall be made in the manner provided for in Section 1.80 of the Rules within thirty (30) calendar days after the release date of this Forfeiture Order.<sup>7</sup> If the forfeiture is

<sup>1</sup> The *NAL* includes a more complete discussion of the facts and history of this case and is incorporated herein by reference. *Optic Internet Protocol, Inc.*, Notice of Apparent Liability for Forfeiture, 29 FCC Rcd 9056 (2014) (*NAL*); 47 U.S.C. §§ 201(b), 258; 47 C.F.R. § 64.1120.

<sup>2</sup> On August 19, 2014—after the due date for responding to the *NAL* had already passed—Optic requested an extension of time to respond to the *NAL*, which the Enforcement Bureau denied. See E-mail from Erica McMahon, Attorney Advisor, Telecommunications Consumers Division, FCC Enforcement Bureau, to Michael Welsh, Attorney for Optic Internet Protocol, Inc., Welsh Law, LLC (Aug. 19, 2014, 3:57 EDT) (on file in EB-TCD-13-00011384).

<sup>3</sup> 47 U.S.C. § 503(b).

<sup>4</sup> 47 C.F.R. § 1.80.

<sup>5</sup> 47 U.S.C. §§ 201(b), 258.

<sup>6</sup> 47 C.F.R. § 64.1120.

<sup>7</sup> 47 C.F.R. § 1.80.

not paid within the period specified, the case may be referred to the U.S. Department of Justice for enforcement of the forfeiture pursuant to Section 504(a) of the Act.<sup>8</sup>

5. Payment of the forfeiture must be made by check or similar instrument, wire transfer, or credit card, and must include the NAL/Account Number and FRN referenced above. Optic Internet Protocol, Inc. shall send electronic notification of payment to Johnny Drake at [johnny.drake@fcc.gov](mailto:johnny.drake@fcc.gov) on the date said payment is made. Regardless of the form of payment, a completed FCC Form 159 (Remittance Advice) must be submitted.<sup>9</sup> When completing the FCC Form 159, enter the Account Number in block number 23A (call sign/other ID) and enter the letters "FORF" in block number 24A (payment type code). Below are additional instructions that should be followed based on the form of payment selected:

- Payment by check or money order must be made payable to the order of the Federal Communications Commission. Such payments (along with completed Form 159) must be mailed to the Federal Communications Commission, P.O. Box 979088, St. Louis, MO 63197-9000, or sent via overnight mail to U.S. Bank – Government Lockbox #979088, SL-MO-C2-GL, 1005 Convention Plaza, St. Louis, MO 63101.
- Payment by wire transfer must be made to ABA Number 021030004, receiving bank TREAS/NYC, and Account Number 27000001. To complete the wire transfer and ensure appropriate crediting of the wired funds, a completed Form 159 must be faxed to U.S. Bank at (314) 418-4232 on the same business day the wire transfer is initiated.
- Payment by credit card must be made by providing the required credit card information on FCC Form 159 and signing and dating the Form 159 to authorize the credit card payment. The completed Form 159 must then be mailed to Federal Communications Commission, P.O. Box 979088, St. Louis, MO 63197-9000, or sent via overnight mail to U.S. Bank – Government Lockbox #979088, SL-MO-C2-GL, 1005 Convention Plaza, St. Louis, MO 63101.

6. Any request for making full payment over time under an installment plan should be sent to: Chief Financial Officer – Financial Operations, Federal Communications Commission, 445 12th Street, SW, Room 1-A625, Washington, DC 20554.<sup>10</sup> Questions regarding payment procedures should be directed to the Financial Operations Group Help Desk by telephone, 1-877-480-3201, or by e-mail, [ARINQUIRIES@fcc.gov](mailto:ARINQUIRIES@fcc.gov).

7. **IT IS FURTHER ORDERED** that a copy of this Forfeiture Order shall be sent by first class mail and certified mail, return receipt requested, to Gregory Allpow, President, Optic Internet Protocol, Inc., 3050 Royal Blvd. S., #175, Alpharetta, GA 30028, and to Michael S. Welsh, Esq., Welsh Law, LLC, 3212 Northlake Parkway, P.O. Box 450586, Atlanta, GA 31145.

FEDERAL COMMUNICATIONS COMMISSION

Marlene H. Dortch  
Secretary

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<sup>8</sup> 47 U.S.C. § 504(a).

<sup>9</sup> An FCC Form 159 and detailed instructions for completing the form may be obtained at <http://www.fcc.gov/Forms/Form159/159.pdf>.

<sup>10</sup> See 47 C.F.R. § 1.1914.